



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3201-98
13 October 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

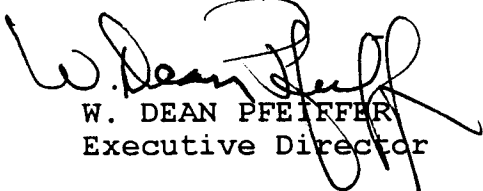
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Bureau of Naval Personnel, Enlisted Retirements Branch, a copy of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board substantially concurred with the comments contained in the advisory opinion.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

IN REPLY REFER TO
1830

Pers823

Ser 147

16 Sep 98

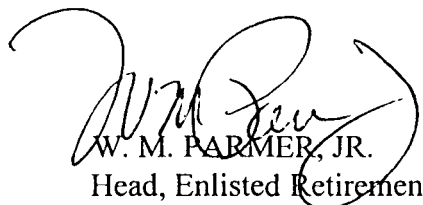
MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS ICO [REDACTED]
[REDACTED]

Ref: (a) Pers-00XCB ltr of 17 Aug 1998

Encl: (1) BCNR File

1. Reference (a) requested comments and recommendations in subject member's case. Specifically, Petitioner requests reinstatement to Petty Officer First Class after reduction in rate as a result of punishment awarded at a Commanding Officer's Non-Judicial Punishment.
2. MILPERSMAN Article 1430-020, states that members who have been reduced in rate, as the result of judicial or non-judicial punishment, are subject to the normal advancement system unless they are considered by their commanding officers to be deserving of special consideration. This policy does not pertain to members who have already been transferred to the Fleet Reserve, Retired List or have been released from active duty.
3. Based on information provided by the member, he requested advancement after reduction in rate, in accordance with MILPERSMAN 2230200, which was disapproved on 28 Aug 1997 due to his conviction of multiple offenses. His request was reconsidered on 18 Dec 1997 but was again disapproved due to the fact that no new information or mitigation was presented invalidating the previous disapproval.
4. As stated in Title 10, U.S.C. 6334, members may be advanced on the retired list to the highest grade in which member served satisfactorily as determined by the Secretary of the Navy. Upon his transfer to the retired listed in Feb 2000, he may request advancement to his highest grade that he served on active duty.
5. In view of the above, no error or injustice occurred in Petitioner's case. I therefore, recommend his request be denied.
6. Enclosure (1) is returned.


W. M. FARMER, JR.
Head, Enlisted Retirements Branch